



Memorandum

DATE: February 2, 2011

TO: City of Menasha Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: Preliminary Resolution for Special Assessments – Silver Birch Estates Subdivision

Silver Birch Estates Subdivision is located immediately west of Lake Park Road and south of Manitowoc Road in Calumet County. This area was annexed into the City of Menasha in 2007 and the City subsequently entered into a development agreement with the developer to stipulate how the infrastructure would be installed.

Part of the agreement stated that the City would front the cost of the infrastructure up to a maximum of \$500,000 with the developer reimbursing a proportionate part of the cost each time a lot was sold. The development agreement indicated there would be special assessments levied on each unsold lot as a means to guarantee payment of the infrastructure cost. In reviewing this project recently with Comptroller Stoffel, it was discovered the special assessments were calculated but never officially levied by the City.

The purpose of the attached resolution is to initiate the assessment procedure for the remaining unsold lots in Silver Birch Estates. The preliminary resolution identifies the public improvements, directs staff to prepare the assessment report for the affected properties, and to properly notice the affected property owners of the public hearing details, if required. The developer has signed a Waiver of Assessment Hearing indicating his approval with the assessments so there is no public hearing required, but we need to follow through with the assessment procedure. The developer indicated to me today they intend to continue paying their share as each lot is sold, but we still need to officially complete the levying of assessments.

Upon passage of the preliminary resolution, the final resolution will be presented to the Common Council for action which, if approved, will complete the process.

RESOLUTION R-7-11

A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES

Introduced by Alderman Taylor

RESOLVED, by the Common Council of the City of Menasha, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following:

- A. Improvements
 - 1. Water Main Construction
 - 2. Sanitary and Storm Sewer Construction
 - 3. Grading and Graveling Streets
 - 4. Various Associated Items
- B. Location of Improvements
 - 1. Silver Birch Estates Subdivision

2. The total amount assessed against such improvements shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power, and the amount assessed against each parcel shall be on a cost per front foot, area, or unit cost basis.

3. That the assessment against any parcel shall be paid in accordance with Section 3-2-14 of the Menasha Municipal Code.

4. The Board of Public Works is directed to compile a report consisting of:

- A. Plans and Specifications of said improvements
- B. A summary of the allotted cost of the said improvements
- C. A schedule of proposed assessments showing the properties which are benefited by the improvement

Upon completing such report, the Board of Public Works is directed to file a copy thereof in the City Clerk's Office for public inspection.

5. Upon receiving the report of the Board of Public Works, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes. The hearing shall be held in the Council Chambers at the City Hall at a time set by the City Clerk in accordance with Section 66.0703(7)(a), Wisconsin Statutes.

6. The notice and hearing requirements under paragraph 5 do not apply if they are waived, in writing, by all the owners of property affected by the special assessment, as specified in Section 66.0703(7)(b), Wisconsin Statutes.

Passed and approved this day of February, 2011.

Donald Merkes, Mayor

Attest: _____
Deborah A. Galeazzi, City Clerk